

**“DISRUPTING PIPELINES THROUGH
TRAUMA, TRUST AND
TRANSFORMATION COURTROOM
PRACTICES”**


HONORABLE REV. EVERETT MITCHELL
DANE COUNTY CIRCUIT COURT JUDGE

1


BRYAN STEVENSON

“We’ve submitted to the harsh instinct to **crush** those among us whose **brokenness** is most **visible**. But simply punishing the **broken** —walking away from them or **hiding** them from **sight** — only ensures that they **remain broken** and we do too.”

“Just Mercy: A Story of Justice and Redemption”



2



TRAUMA: THE ACE SCORES

Adverse Childhood Experiences (ACE)
(Examples)

1. Did a parent or guardian swear at you, insult you, put you down?
2. Did a parent or other adult push, grab or slap you?
3. Did an adult or person at least 5 years older than you ever touch or fondle you or have you touch their body in a sexual way?
4. Were your parents too drunk or high to take care of you?

Most of my court ordered children start at 6 on their ACE score.

How Common are ACES?

ACE Study


0	36%
1	24%
2	16%
3	9.5%
4 or more	12.5%

of ACES

3

JUVENILE JUSTICE AND TRAUMA: WHAT IS IT?

1. A traumatic experience is an event that threatens someone's life, safety, or well-being. It can overwhelm a person's capacity to cope and elicit intense feelings such as fear, terror, helplessness, hopelessness and despair.
2. Child traumatic stress can lead to Post Traumatic Stress Disorder (PTSD). PTSD in juvenile justice related youth is 3 to 50%, while PTSD rates of soldiers returning from Iraq is 12 to 20%.
 - Each year 3 million children are reported as victims of abuse and neglect.
3. Trauma impacts a child's development and health throughout his or her life.
 - Exposure to child abuse and neglect can restrict brain growth especially in the areas of the brain that control learning and self-regulation.



4

TRAUMA AND ADVERSE CHILDHOOD EXPERIENCES

HOUSEHOLD VIOLENCE	PARENTAL SEPARATION/ DIVORCE	DRUG ADDICTION AND CYCLES OF NEGLECT	VIOLENCE BETWEEN PARENTS/ABUSE OF MOTHER	INCARCERATED HOUSEHOLD MEMBER
PSYCHOLOGICAL/ EMOTIONAL ABUSE	PHYSICAL ABUSE	SEXUAL ABUSE	EMOTIONAL NEGLECT	PHYSICAL NEGLECT

5

CHILD WELFARE TO JUVENILE DELINQUENCY TO ADULT PRISON PIPELINE: PASSING TRAUMATIZED CHILDREN FROM ONE SYSTEM TO THE NEXT

The Child Welfare System	The Juvenile Justice System	The Adult Criminal Justice System
<ul style="list-style-type: none"> • Numbers of unsubstantiated abuses in their files. • Inadequate health and mental health care for the children. In some cases no mental health treatment. • Gaps in early childhood development and services. • Chronic abuse and neglect • Movement and Placements • Confidentiality 	<ul style="list-style-type: none"> • Treatment Options for Children to Deter Juveniles • Lincoln Hills • Copper Lake • Residential Care Centers • Group Home • Out of State Resources • Detention • Sanctions • Out of Home Placements • Foster Homes 	<ul style="list-style-type: none"> • Department of Corrections • Probation/Extended Supervision • Incarceration • Limitation of Civil Rights • Possible Issues: Housing, Employment, Education, Treatment

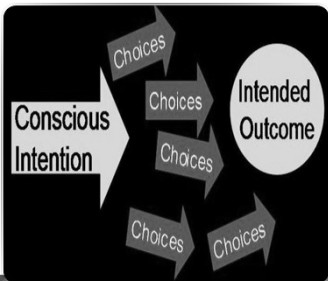
6

REMOVED: THE TRAUMA OF MOVEMENT



7

LEGISLATIVE INTENT:
GOALS OF CHILD
WELFARE



- Wis. Stat. 48.01
- "The best interest of the child or unborn child shall always be of paramount consideration. This chapter shall be liberally construed to effectuate the following express legislative purposes."

8

IN SUMMARY

- **Health and Safety of Children:** The courts and agencies responsible for child welfare assure that a **child's health and safety are the paramount concerns**
- **Strengthen Families:** By strengthening family life through assisting parents and the expectant mothers of unborn children, whenever appropriate, in **fulfilling their responsibilities as parents or expectant mothers.**
- **Assist Parents with Change:** Assist parents and the expectant mothers of unborn children in changing any **circumstances in the home which might harm the child or unborn child.**

9

IN SUMMARY

- **Placement of Children Outside of the Home:**
Require the child to be placed outside the home.
- **Keep children out of home and not with family:**
Not to reunite a child with his or her family.
- **Achieve Permanence:** **Instability and impermanence in family relationships are contrary to the welfare of children**

10

IN SUMMARY

- **Reduce The Time Children are Waiting on Parents to Change:** **Eliminating the need for children to wait unreasonable periods of time for their parents to correct the conditions that prevent their safe return to the family.**

11

CHILD WELFARE ACTORS

- | | |
|---|---|
| • Judge | • Parents (includes, relatives, grandparents, guardians, and/or family friends) |
| • County Attorney (Prosecutor) | |
| • Social Worker | |
| • CCF (Mental Health Team) | • Foster Home Parents, Residential Treatment |
| • Guardian ad Litem | Providers, Group Home |
| • Advocacy Counsel (Children 12 years of older) | (Possible to have multiple foster homes present |
| • Parental Attorneys | depending on the number of children out of home.) |
| • CASA Volunteer | |

12

CHILD WELFARE TERMINOLOGY

- COP – Change in Placement
- ICPC – Interstate Compact on the Placement of Children
- PRP – Parent Representation Project
- RCC – Residential Care Center
- COR – Conditions of Return
- TPR – Termination of Parental Rights
- Capias – Juvenile Warrant
- Substantiation – Whether there was enough information to warrant removal
- ROS – Rules of Supervision
- CASA – Court Appointed Special Advocate
- Disposition – Final order describing services to be provided and length of time
- JIPS – Juvenile in Need of Protection and Services
- Petition – Initial information about the case
- IRC – Juvenile Reception Center

13

REASONABLE EFFORTS: STANDARDS

42 USC § 1356.21 (Foster care maintenance payments program implementation requirements:

- (b) Reasonable Efforts: "the agency must make reasonable efforts to maintain the family unit AND prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured;
- To effect the safe reunification of the child and family;
- To make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible.
- In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety must be paramount concern.

14

REASONABLE EFFORTS: STANDARDS

Reasonable Efforts: 48.355 (2c): Court's Consideration of Reasonable efforts:

- A comprehensive assessment of the family's situation was completed, including a determination of the likelihood of protecting the child's health, safety and welfare effectively in the home.
- Financial assistance, if applicable, was provided to the family.
- Services were offered or provided to the family, if applicable, and whether any assistance was provided to the family to enable the family to utilize the services.

15

REASONABLE EFFORTS: STANDARDS

Reasonable Efforts: 48.355 (2c): Court's Consideration of Reasonable efforts:

- Examples of services include
 - In home support services, such as homemakers and parent aides
 - In home intensive treatment services.
 - Community support services, such as child care, parent skills training, housing assistance, employment training, and emergency mental health services.
 - Specialized services for family members with special needs.
- Monitoring of client progress and client participation in services was provided
- A consideration of alternative ways of addressing the family's needs was provided, if services did not exist or existing services were not available to the family.

16

CASE IN POINT



17

JUVENILE JUSTICE: A COURT PERSPECTIVE

Trauma Informed But...The Practices were NOT

REMOVED

- **RESTRAINTS:** children were brought into the courtroom in handcuffs and custody belts around their waist. We knew their trauma histories, including abuse but continued a policy based on safety.
- **LISTENING:** When discussing the children or teenagers in court, the adults often would talk over and/or about them in such a negative way. No one listened to them. The children often hung their heads in sadness or would disassociate.
- **TRAUMA:** Adults that wanted children to deal with trauma on the adults timetable.



18



**JUVENILE JUSTICE:
A COURT
PERSPECTIVE**

Trauma Informed But...The Practices were
NOT

- **LINCOLN HILLS:** Children spending unnecessary time in Lincoln Hills because a parent was mentally unavailable to care for him.
- **MENTAL HEALTH:** Children unable to receive timely mental health care and access to medication even at Lincoln Hills.
- **SHORT SCHOOL DAYS:** Placing children with IEP's in 2 hour a day classroom instruction.

19

**CHILDREN IN NEED
OF PROTECTION
AND SERVICES
COURTROOM
PRACTICES**

Supporting Children

1. **Creating a Child Friendly Space:** In these cases, I realized that children were often attending hearings and listening to a lot of the bad information being revealed about their parents. We created kid friendly spaces with games, books, crayons, and child friendly toys. In some cases, when there are multiple siblings, we needed spaces for children to go while their parents were involved in contested factual hearings.
2. **Book Signing:** I often give books to children. I will sign the books and leave an inspirational thought or message. I often use books that are culturally reflective of the children.

20

**CHILDREN IN NEED
OF PROTECTION
AND SERVICES
COURTROOM
PRACTICES**

Supporting Children

3. **Pictures of the Children:**
Often, the early practice in the court did not include any pictures of the children. I started requiring the social workers and families to at least submit a picture of the children so I could at least have a visual representation of the children. I realized after starting this practice that the parents really enjoyed showing me the pictures and representation of their children to me.

21

CHILDREN IN NEED OF PROTECTION AND SERVICES COURTROOM PRACTICES

Supporting Children

4. CASA Volunteer and Mentor Projects:

There are cases where a more intimate mentor and person needs to be involved in checking in with the juveniles who are either in foster care or under court supervision. The CASA volunteers visit and spend time with the children and then files an "unfiltered" report that describes the living environment, activities they played together and any notable observations. This is increasingly important as a number of children are in out of home placements as we are not always able to find relatives that are capable of caring for the children during this process.

22

MICRO-ACTS DISCUSSING BIAS IN THE JUSTICE SYSTEM

The poster lists the following participants: John Legend (Host and Moderator), Hon. Everett Wickert (Circuit Court Judge), Damon Jones (Prosecutor & Gentle), and Rashad Robinson (Color of Change).

23

SPECIFIC ISSUES IN JUVENILE JUSTICE

- **Restraints: Use of Handcuffs and Belts on Juveniles**
 - Initial policy that placed handcuffs and restraint belts on any child that was being held in secure custody regardless of the reason the juvenile was placed in secure custody.
 - Both in their initial hearings before the court commissioner to determine whether or not they were to be held in custody, juveniles were continued in their restraints.

24

STEPS TAKEN BY DANE COUNTY JUDGES TO BUILD ACCOUNTABILITY AND SUPPORT

- Partnered with the Madison Metropolitan School District to open the Office of Youth Engagement to connect our court ordered children with education.
- Worked with MMSD and the Department of Public Instruction to revamp its process of shortened school days given to court ordered children with IEP's.
- Provided opportunities for community leaders to do "ride along" with judges in order to witness the court process and offer support for young people.
- Give gift cards to young people who are achieving and staying out of trouble. This gives some food to eat who may not have it otherwise.

25

STEPS TAKEN BY DANE COUNTY JUDGES TO BUILD ACCOUNTABILITY AND SUPPORT

- More frequent reviews to ensure that children are receiving the adequate mental health services they need in a timely fashion.
- Connecting black and brown youth with culturally relevant services that address their trauma and over needs.
- Building stability in the family units of the young people so they are less likely to reoffend.
- Connecting at risk young people with mentors to support them and fill in the gap of services.

26

STEPS TAKEN BY DANE COUNTY JUDGES TO BUILD ACCOUNTABILITY AND SUPPORT

- Bringing at risk school programs into the courtroom to discuss better options and hopes to reduce their involvement in the juvenile justice and adult criminal justice system.
- Discussing and explaining to victims the process and ensuring that they have input in the decisions for dispositions.
- Integrating Oral sentencing reflections (many children struggle with reading and writing): Watch 13th Netflix and teach me about it.
- Providing support to young people who are parenting themselves and their siblings.

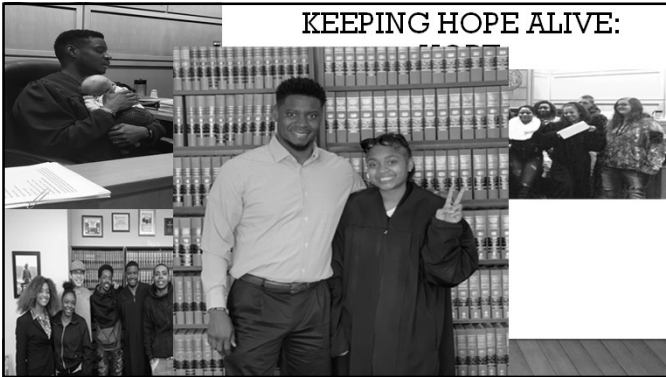
27

STEPS TAKEN BY DANE COUNTY JUDGES TO BUILD ACCOUNTABILITY AND SUPPORT

- Presenting at social work, detention workers, hospitals, schools, educational conferences, hospitals, addiction and recovery groups, and American Family Insurance Dream Bank in an effort to educate the community about the trauma the children are experiencing, and the steps needed in our community.
- Starting book drives to provide culturally relevant material for young people in Shelter, Detention and in our waiting areas.
- Spend Thanksgiving and Christmas Day with Juveniles in Detention.
- Apologizing to the young people who have experienced more trauma as a result of being hurt multiple times by our systems.

28

KEEPING HOPE ALIVE:



29
